

REMARKS

This paper is submitted concurrently with a Request for Continued Examination (RCE) in response to the Office Action dated February 18, 2005, and within the three-month period for response. Reconsideration and allowance of all pending claims by the Examiner are respectfully requested.

In the subject Office Action, claims 1-85 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,917,725 to Thacher et al. (Thacher) in view of U.S. Patent No. 6,425,828 to Walker et al. (Walker). Applicant respectfully traverses the rejections of the Office Action to the extent that they may be maintained. Applicant has nonetheless amended claims 1, 23, 47, 71 and 74 to further distinguish the present invention from the cited references.

Applicant wishes to thank the Examiner for the courtesy extended in the personal interview between the Examiner and Applicant's representative on April 29, 2005. In the interview, proposed amendments to the claims to address the art-based rejections were discussed. Based upon the proposed amendments, the Examiner indicated that the proposed amendments would be strongly considered.

Applicant's claimed features encourage player exposure to different types of games. To this end, each independent claim has been amended to include generating first scores for a plurality of players reflective of action taken by each of a first plurality of participants in relation to a first type of game, and then generating second scores reflective of action taken by a second plurality of participants in a second type of game, the first plurality including a participant not included in the second plurality. A rating is calculated for a participant (in both pluralities) based on scores reflective of actions taken in relation to both the first and second types of games. Thus, while the participant may not be required to play both types of games, he or she has an incentive to do so. In this manner, the participant is exposed to different types of games, translating into greater revenues and player satisfaction. These features are neither suggested nor motivated by the prior art.

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The Office Action acknowledges that the prior art does not teach combining a single participant's scores in different types of games. Instead, the Office Action contends that the combination of Thacker with Walker would suggest this novel approach to promoting exposure to different games. Applicant respectfully disagrees. The kernel of the invention, i.e., combining a single participant's scores in different types of games, is missing from and is not contemplated by the references.

More particularly, Thacher teaches having a group of players play a round of games. The games can be different, but each player participates in only one type of game. The score from the one type of game is totaled. Scores from different games may be compared, but they are not totaled. Furthermore, there is not a second plurality of players to which the participant belongs, and each participant plays just one type of game.

In Walker, a plurality of players participates in a first type of game, then the same plurality of players plays the same type of game, again, to get a tournament score. Significantly, each player plays just one type of game, i.e., a type of game having the same set of rules.

Consequently, the most broad interpretation of a combination of the prior art would only suggest allowing a user to select a type of game from among a plurality of games, then requiring the user to replay the same type of game to get a tournament score. Notably, the user would not play different types of games, and consequently, scores from different types of games played by the same participant would not be used to determine a rating. Since this fundamental concept is missing from both references, any suggestion of the feature based on the cited prior art could only be attributable to impermissible hindsight.

In addition to other features, independent claim 23 likewise includes scores reflecting a player's participation first and second games (each game having a different set of rules). Claim 23 is therefore novel and unobvious for at least the same reasons as stated above in connection with claim 1. Applicant consequently requests reconsideration and allowance of claim 23, as well as of claims 24-46 that depend therefrom.

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Amended claim 47 is directed to a hardware and software implementation of the method claim of 23, and is therefore allowable, along with its respective dependent claims 48-70, for at least the same reasons as described above. Similarly, claim 71 is a program product embodiment implementation of claim 1, and should be allowed, along with dependent claims 72-73, for at least the above reasons. Independent claim 74 is directed to a method that includes calculating a rating by manipulating first and second user scores, the likes of which are not suggested or taught in the cited prior art. Claim 74 and its associated dependent claims are likewise allowable.

In summary, Applicant respectfully submits that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. Applicant respectfully submits that no new subject matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

If the Examiner has any questions regarding the foregoing, or which might otherwise further this case on to allowance, the Examiner is strongly encouraged to contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

5/18/05
Date


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